

AN
ESSAY OF
A
KING,
WITH

An explanation what
manner of persons those should be
that are to execute the power or
ordinance of the KINGS
Prerogative.

WRITTEN

By the Right Honorable *Francis*,
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An Essay of a King written by
Sir *Francis Bacon*.



King is a mortall God on Earth, unto whom the living God hath lent his own name as a great honour: But with-
all told him hee should die like a man, lest he should be proud and flatter himself, that God hath with his name imparted unto him his nature also.

2 Of all kinds of men, God is least beholding unto them, for he doth most for them, and they do ordinarily least for him.

3 A King that would not feele his Crown too heavy for him, must weare it every day, but if he think it too light, he knoweth not of what mettall it is made of.

4 He must make Religion the Rule of government, and not the Scale; for he that casteth in Religion onely to make the scales even, his own weight is contained in these Characters *Tekel uphrasin*, he is found too light, his Kingdom shall be taken from him.

5 And that King that holds not Religion the best reason of state, is void of all piety and justice, the Supporters of a King.

6 He must be able to give Counsell himself, but not to relye thereupon: for though happy events justifie their Counsels, yet it is better that the evill event of
good

good advice be rather imputed to a Subject then a Sovereigne.

7 He is the Fountain of Honour, which should not run with a wast pipe, lest the Courtiers sell the waters, and then (as Papists say of their holy Wels) to lose the vertue.

8 He is the life of the Law, not onely as he is *lex loquens* himself, but because he animateth the dead letter, making it active towards all his Subjects *præmio & pœna*.

9 A wise King must doe lesse in altering his Laws, then he may; for new government is ever dangerous, it being true in the body politique, as in the corporall, that *omnis subita mutatio est periculosa*, and though it be for the better, yet it is not without a fearfull apprehension; For he that changeth the fundamentall Laws of a Kingdome, thinketh that there is no good title to a Crown but by conquest.

10 A King that setteth to sale Seats of Justice, oppresseth the People, for he teacheth his Judges to sell Justice, and *præcio parata, præcio vincitur Justitia*.

Bounty and Magnificence are vertues, *vere Regie*, but a prodigall King is neerer a Tyrant, then a parcimonious: for store at home draweth his contemplations abroad, but want supplyeth it self of what is next, and many times the next way; and herein he must be wise and know, what he may justly doe.

12 That King which is not feared, is not loved, and he that is well seen in his craft, must as well study to be feared as loved, yet not loved for feare, but feared for love.

13 Therefore as hee must alwayes resemble him whose great name he beareth, and that in manifesting

the sweet influence of his mercy over the severe stroke of his Justice sometimes, so in this not to suffer a man of death to live, for besides that the Land doth mourne, the restraint of Justice towards sin doth more retard the affection of love, then the extent of mercy doth enflame it, and sure where love is bestowed, feare is quite lost.

14 His greatest Enemies are his Flatterers, for though they ever speak on his side, yet their words still make against them.

15 The love which a King oweth to the weal-publike, should not be restrained to any one particular, yet that his more speciall favour do reflect upon some worthy ones, is somewhat necessary, because there are so few of that capacity.

Hee must have a speciall care of five things, if hee would not have his Crown to be put upon him.

First, that *simulata sanctitas*, be not in the Church, for that is *duplex iniquitas*.

Secondly, that *inutilis equitas*, sit not in the Chancery, for that is *inepta misericordia*.

Thirdly, that *utilis iniquitas*, keep not the Exchequer, for it is *crudele latrocinium*.

Fourthly, that *fidelis temeritas* be not his Generall, for that will bring but *seram pœnitentiam*.

Fifthly, that *infidelis prudentia*, be not his Secretary, for that he is *Anguis sub viridi herba*.

To conclude, as he is of the greatest power, so hee is subject to the greatest cares, made the servant of his people, or else he were without a calling at all.

He then that honoureth him not, is next an Atheist wanting the feare of God in his heart.

An explanation what manner of persons those should be, that are to execute the power or Ordinance of the Kings Prerogative, written by the said Sir Francis Bacon, late Lord Chancellour, and Lord St. Albans.

That absolute Prerogative according to the Kings pleasure revealed by his Lawes, may be exercised and executed by any Subject, to whom power may be given by the King, in any place of Judgement or Commission, which the King by his Law hath ordained, in which the Judge subordinate cannot wrong the people, the Law laying downe a measure by which every Judge should governe or execute; Against which Law if any Judge proceed, he is by the Law questionable and punishable for his transgression.

In this nature are all the Judges and Commissioners of the Land no otherwise then in their Courts, in which the King in person is supposed to sit who cannot worke that trespassse, Felony or treason which the Law hath not made so to be, neither can punish the guilty by other punishment then the Law hath appointed.

This Prerogative or power as it is over all the Subjects so being knowne by the Subjects, they are without excuse if they offend; and suffer no wrong, if they be punished. And by this prerogative the King governeth all sorts of people according unto knowne will.

The absolute prerogative which is in Kings according to their private will and judgement cannot be executed by any Subject, neither is it possible to give such power by Commission, or sit to subject the people to the same. For the King in that he is the substitute of God immediately

diatly the Father of his people, and head of the Common wealth by participation with God and his subjects, Discretion, Iudgement, and feeling love towards those over whom he raigneth only proper to himselfe, or to his places and person, who seeing he cannot in any others diffuse his wisdom, power, or gifts, which God in respect of his place and charge hath enabled him withall, can neither subordinate any other Iudge to governe by that knowledge, which the King can no otherwise then by his knowne will participate unto him. And if any subordinate Iudge shall obtaine Commission according, of such Iudge to govern the people, that Iudge is bound to think that to be his sound discretion, in which the law in which the Kings known will sheweth unto him to be that Iustice which hee ought to administer: otherwise he might seeme to esteeme himselfe above the Kings law, who will not governe by him, or to have a power derived from other then from the King, which in the Kingdome will administer Iustice contrarie to the justice of the Land. Neither can such a Judge or Commissioner under the name of his high Authority throwde his owne high affection, seeing the Conscience and discretion of every man is particular and private to himselfe; As the discretion of the Judge cannot be properly or possibly the discretion of the King, or conscience of the King; And if not his discretion, neither the Judgement that is ruled by another mans only. Therefore it may seeme they rather desire to bee Kings then to rule the people under the King, which will not administer Justice by law, but by their owne wills.

This Administration in a subject is derogative to the Kings Prerogative, for he administreth Justice out of a
private

private direction, being not capable of a generall direction, how to use the Kings pleasure in Causes of particular respect, which if another then the King himselfe can doe, how can it be so, that any man should desire that which is unfit and impossible, but that it must proceed out of some exorbitant affection, the rather seeing such places to be full of trouble, and being altogether unnecessary, no man will seeke to thrust himselfe into it, but for hope of gaine. Then is not any prerogative oppugned but maintained, though it be desired that every subordinate Magistrate may not be made supream, whereby he may seale up the hearts of the people, take from the King the respect due unto him only, or to judge the people otherwise then the King doth himselfe.

And although the Prince be not bound to render any accompt to the Law, which in person administred it selfe. Yet every subordinate Judge must render an accompt to the King by his lawes how hee hath administred Justice in his place where he is set. But if he hath power to rule by private direction, for which there is no law, how can he be questioned by a law, if in his private censure he offendeth.

Therefore it seemeth that in giving such authority the King ordaineth not subordinate Magistrates, but absolute Kings; And what doth the King leave to himselfe, who giveth so much to others as he hath himselfe: neither is there a greater bond to tie the subject to his Prince in particular then when he shall have recourse unto him in his person or in his power for releif of the wrongs which from private men be offered, or for reformation of the oppressions which any subordinate Magistrate shall impose upon the people: there can be no offence in
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the Judge, who hath power to execute according to his discretion, when the discretion of any Judge shall be thought fit to be unlimited; And therefore there can be therein no reformation, whereby the King in this useth no prerogative to gaine his Subjects right. Then the subject is bound to suffer helpless wrong, and the discontent of the people is cast upon the King, the lawes being neglected, which with their equitie in all other Causes and Judgements, saving this, interpose themselves and yeeld remedy.

1. Custome.
2. Wisdome.
3. Justice.
4. Rule against it.

And to conclude, Custome cannot confirme that which is any wayes unreasonable of it selfe; Wisdome will not allow that which is many wayes dangerous, and no wayes profitable; Justice will not approve that government where it cannot be, but wrong must be committed. Neither can there be any rule by which to try it, nor meanes for reformation of it.

Therefore whosoever desireth Government, must seeke such as he is capable of, not such as seemeth to him selfe most easie to execute; For it appeareth that it is easie to him that knoweth not law nor justice to rule as he listeth, his will never wanting a power to it selfe: but it is safe and blamelesse both for the Judge and People, and honour to the King, that Judges bee appointed who know the Law, and that they bee limited to govern according to the Law.

FINIS.

